UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,237	03/31/2004	Brian Murphy	036617-0201	8131

23392 7590 04/23/2007

FOLEY & LARDNER
2029 CENTURY PARK EAST
SUITE 3500
LOS ANGELES, CA 90067

EXAMINER	
AZARIAN, SEYED H	
ART UNIT	PAPER NUMBER
2624	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/815,237	MURPHY, BRIAN	
	Examiner	Art Unit	
	Seyed Azarian	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/16/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-55, are rejected under 35 U.S.C. 102(e) as being anticipated by McNitt et al (U.S. patent 6,567,536).

Regarding claim 1, McNitt discloses a method for capturing and analyzing motion comprising: defining a standard motion (see abstract, analyzing and calculating different type of information, such as athletic motion);

receiving a first signal from a first sensor, the first signal being representative of a motion under analysis (column 3, lines 8-27, first sensor generating a first information signal);

receiving a second signal from a second sensor, the second signal being representative of the motion under analysis (column 3, lines 8-27, second sensor generating a second information signal);

synchronizing the first signal to the second signal (column 3, lines 8-27, synchronizing the first signal with the second signal to provide an analysis tool for providing athletic training and instruction);

and comparing the motion under analysis represented by the synchronized first signal and second signal to the standard motion (column 16, lines 48-64, comparing the first signal and second signal).

Regarding claim 2, McNitt discloses the method of claim 1, wherein comparing the motion under analysis includes identifying when the motion under analysis falls outside of an acceptable range of motion in relation to the standard motion (column 9, lines 38-62, the data collected within the timing window is marked and stored for analysis, to see if the collected data from the video and position analysis system falls outside the timing window).

Regarding claim 3, McNitt discloses the method of claim 1, further comprising adjusting the motion under analysis based on the comparison of the synchronized first signal and second signal to the standard motion (column 13, lines 13-49, refer to adjusting the motion under analysis).

Regarding claim 4, McNitt discloses the method of claim 1, further comprising logging an intended result of the motion under analysis (column 4, lines 34-54, the video recording equipment to record a physical motion and to transmit a recorded video information signal).

Regarding claim 5, McNitt discloses the method of claim 4, further comprising adjusting the motion under analysis based on the comparison of the synchronized first signal and second signal to the intended result of the motion under analysis (column 16, lines 48-64, comparing the first signal and second signal for result of the motion).

Regarding claim 6, McNitt discloses the method of claim 1, further comprising initiating a trigger event to begin receiving the first signal (column 9, lines 38-63, triggering event signal can be communicated to the processing module).

Regarding claim 7, McNitt discloses the method of claim 1, further comprising initiating a trigger event to terminate reception of the first signal (column 9, lines 38-63, triggering event signal can be terminates).

Regarding claim 8, McNitt discloses the method of claim 1, further comprising initiating a trigger event to begin receiving the second signal (column 9, lines 38-63, triggering event for second signal).

Regarding claim 10, McNitt discloses the method of claim 1, further comprising time-stamping the first signal (column 6, lines 15-54, time-stamping the first signal).

Regarding claim 11, McNitt discloses the method of claim 1, further comprising time-stamping the second signal (column 6, lines 15-54, time-stamping the second signal).

Regarding claim 12, McNitt discloses the method of claim 2, wherein the first signal is a video signal (column 2, line 57 through column 3, line16, video signal).

Regarding claim 13, McNitt discloses the method of claim 12, wherein the second signal represents position information (column 2, line 57 through column 3, line 16, refer to second signal represent the position).

Regarding claim 14, McNitt discloses the method of claim 13, further comprising reconstructing the motion under analysis using the position information (Fig. 1, column 4, lines 13-33, position analysis system for motion).

Regarding claim 15, McNitt discloses the method of claim 14, further comprising comparing the reconstructed motion to the standard motion (column 16, lines 48-64, comparing the first signal and second signal).

Regarding claim 16, McNitt discloses the method of claim 1, further comprising generating a composite display of the first signal and the second signal (Fig. 7, column 3, lines 65-67, displaying analysis information).

Regarding claim 17, McNitt discloses the method of claim 14, further comprising generating a composite display of the video signal and the reconstructed motion under analysis (column 4, lines 34-54, displaying information related to the synchronization of the signal).

Regarding claim 18, McNitt discloses the method of claim 17, further comprising analyzing the video signal in relation to the position information when the motion under analysis falls outside of the acceptable range of motion (column 4, lines 34-54, displaying information related to the synchronization of the signal, also column 9, lines 38-62, the data collected within the timing window is marked and stored for analysis, to see if the collected data from the video and position analysis system falls outside the timing window).

Regarding claim 20, McNitt discloses the method of claim 1, wherein the standard motion is an ideal motion for a subject executing the motion under analysis (column 17, line 64 through column 18, line 12, subject executing).

Regarding claim 21, McNitt discloses the method of claim 1, wherein the standard motion is defined by a user (column 5, lines 31-45, defining by user).

Regarding claim 22, McNitt discloses the method of claim 12, further comprising receiving the video signal from a video camera (column 2, lines 36-66, receiving signal from video).

Regarding claim 23, McNitt discloses the method of claim 22, further comprising focusing the video camera on a subject providing the motion under analysis (see claim 1, also column 2, lines 36-66, receiving signal from video).

Regarding claim 24, McNitt discloses the method of claim 13, further comprising positioning sensors for capturing the position information on a subject providing the motion under analysis (see claim 2, also Fig. 1, column 4, lines 13-33, position analysis system for motion).

Regarding claim 25, McNitt discloses the method of claim 1, further comprising receiving a third signal from a third sensor, the third signal being representative of environmental data (column 4, lines 34-54, refer to process environment);

synchronizing the third signal to the first signal and the second signal, and analyzing the motion under analysis represented by the synchronized first signal and second signal in relation to the third signal (column 24, lines 26-34, third information signal).

Regarding claim 26, McNitt discloses the he method of claim 1, further comprising receiving a fourth signal from a fourth sensor, the fourth signal being representative of a mechanical or electrical parameter (column 18, lines 34-48, defining the parameter);

synchronizing the fourth signal to the first signal and the second signal; and analyzing the motion under analysis represented by the synchronized first signal and second signal in relation to the fourth signal (see above claims, also column 22, line 62 through column 23, line14).

Regarding claim 27, McNitt discloses the method of claim 2, further comprising providing visual feedback when the motion under analysis falls outside the acceptable range of motion (column 9, lines 38-62, the data collected within the timing window is marked and stored

for analysis, to see if the collected data from the video and position analysis system falls outside the timing window).

Regarding claim 30, McNitt discloses the method of claim 24, wherein the sensors are magnetic sensors (column 7, lines 7-14, magnetic sensor).

Regarding claim 32, McNitt discloses the method of claim 1, wherein receiving the first signal and receiving the second signal comprise receiving the first signal and the second signal over a network (column 23, lines 35-43, web-based application via the World Wide Web).

Regarding claim 33, McNitt discloses the method of claim 32, wherein the network is the Internet (column 23, lines 35-44, Internet connection).

Regarding claim 35, McNitt discloses the system of claim 34, wherein the input device receives data representing an intended result of the motion under analysis (column 13, lines 13-49, refer to adjusting the motion under analysis).

Regarding claim 37, McNitt discloses the system of claim 24, further comprising a first trigger mechanism for initiating generation of the first signal (column 9, lines 38-63, triggering event signal can be communicated to the processing module).

Regarding claim 39, McNitt discloses the system of claim 24, further comprising a time-stamper for time-stamping the first signal (column 6, lines 15-54, time-stamping the first signal).

Regarding claim 41, McNitt discloses the system of claim 24, wherein the first sensing device is a video camera (column 2, line 57 through column 3, line16, video signal).

Regarding claims 9, 19, 28 and 31, it recites similar limitation as claims 1, 7, 8 and 27 are similarly analyzed.

Regarding claim 29, 34, 36 and 38 it recites similar limitation as claim 1, 3, 8 and 21 are similarly analyzed.

Regarding claim 40 and 42-47 it recites similar limitation as claim 1, 10, 12, 13, 14 and 30 are similarly analyzed.

Regarding claim 48-55 it recites similar limitation as claims 1, 10, 14, 15, 16 and 17 are similarly analyzed.

Other prior art cited

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent (5,697,791) to Nashner et al is cited for system for apparatus and method for assessment and biofeedback training of body coordination skilis critical and ball-strike power and accuracy during athletic activities.

U.S. patent (4,813,436) to Au is cited for motion analysis system employing various operating modes.

U.S. patent (5,868,578) to Baum is cited for sports analysis and testing system.

U.S. patent (6,537,076) to MacNitt et al is cited for method and system for presenting information for physical motion analysis.

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (571) 272-7443. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.
Status information about the PAIR system, see http:// pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seyed Azarian
Patent Examiner
Group Art Unit 2624
April 10, 2007

Seyed Azarian